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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER	
HINES, F.	
ART UNIT	PAPER NUMBER
1.2.1	7
DATE MAILED: 06/21/86	

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 3/24/86 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 009 from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449 | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1, 3-5, 9-13 and 18-22 are pending in the application.
Of the above, claims 9 and 19-22 are withdrawn from consideration.
2. ☒ Claims 2, 6-8 and 14 have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1, 3-5, 10-13 and 18-19 are rejected.
5. ☐ Claims _____ are objected to.
6. ☒ Claims 9 and 19-22 are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.

8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable; ☐ not acceptable (see explanation).

10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.

12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

Claims 9 and 19-22 withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a nonelected species. Election was made without traverse in Paper No. 5.

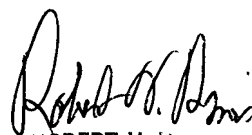
The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1, 3-5, 10-13 and 15-18 rejected under 35 U.S.C. 103 as being unpatentable over Hamberger et al., above cited. The primary reference does specifically set forth compounds of the instantly recited class of compounds, i.e. wherein the numerous "R" groups are the same as those recited in the instant claims, e.g. R₁ is naphthyl and R₈ may be the radical -(CH=CH)-R_4 where g may be O, R₁₄ is an alkyl grouping, R₁₅ and R₁₈ may be hydrogen or lower alkyl, and moreover, the entire

class of compounds are set forth as being useful in the form of their pharmaceutical compositions and for the ~~exact~~ same method of use as ascribed to the claimed compounds, per se. Further, the mere fact that the reference is considered by applicants to constitute a shot-gun type disclosure the same may be characteristic of the instantly claimed class of compounds. No invention is readily apparent in the instantly claimed class of compounds, compositions and/or method of use over the teachings of the prior art in the absence of any unexpected properties.



ROBERT V. HINES
PRIMARY PATENT EXAMINER
GROUP ART UNIT 124

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6/13/86